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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. CR 18-299-04 SI
17 Plaintiff,)
18 v.) GOVERNMENT'S SENTENCING
19) MEMORANDUM
20 PATRICIA BLANCO SANCHEZ,) Sentencing Date: September 18, 2020
21) Time: 11:00 a.m.
22 Defendant.) Judge: Hon. Susan Illston
23)

24 **I. INTRODUCTION**

25 Patricia Blanco Sanchez will be sentenced by the Court on September 18, 2020 following her
26 guilty plea to Count One of the above-captioned Superseding Information, charging her with using and
27 maintaining a drug-involved premises, in violation of 21 U.S.C. § 856.

28 The government concurs with the description in the Presentence Report (“PSR”) of the
29 defendant’s conduct, the Guidelines calculation, and the advisory Guidelines range. The government
30 recommends that the Court impose a sentence that takes into consideration the seriousness of the deadly
31 and addictive drugs that defendant stored so that they could eventually be distributed, but that also takes
32 into consideration her particular mitigating circumstances. The government declines to make a specific
33 sentencing recommendation in this case.

1 **II. THE GOVERNMENT REQUESTS THAT THE COURT IMPOSE A SENTENCE**
 2 **THAT BALANCES ALL OF THE 3553(A) FACTORS**

3 The Court should impose a sentence sufficient, but not greater than necessary, to reflect the
 4 purposes of sentencing that Congress identified in 18 U.S.C. § 3553(a)(2). *United States v. Carty*, 520
 5 F.3d 984, 991 (9th Cir. 2008). As the Ninth Circuit has held, Courts should begin the process of
 6 determining an appropriate sentence by calculating the correct sentencing range under the Guidelines.
 7 *Id.* The Sentencing Guidelines are “the ‘starting point and the initial benchmark,’” *United States v.*
 8 *Kimbrough*, 552 U.S. 85, 108 (2007) (quoting *United States v. Gall*, 552 U.S. 38, 49 (2007)), and are to
 9 be kept in mind “throughout the sentencing process.” *Gall*, 552 U.S. at 50, n. 6. As noted by the Ninth
 10 Circuit, the Supreme Court has “clarified that we may attach a presumption of reasonableness to
 11 sentences falling within the Guidelines range.” *United States v. Saeturn*, 504 F.3d 1175, 1178 (9th Cir.
 12 2007) (emphasis added). After determining the appropriate Guidelines calculations, the Court should
 13 then evaluate the sentence for substantive reasonableness in light of the factors set out in Section
 14 3553(a). *Carty*, 520 F.3d at 991-93. Here, the Sentencing Guidelines place the “starting point” and
 15 “initial benchmark” at 57-71 months.¹

16 Beyond the Guidelines, under 18 U.S.C. § 3553(a), in arriving at the appropriate sentence for
 17 defendant, the Court should consider these factors, among others:

18 (1) the nature and circumstances of the offense and the history and characteristics of the
 19 defendant;

20 (2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect
 21 for the law, and to provide just punishment for the offense;

22 (3) the need for the sentence imposed to afford adequate deterrence to criminal conduct;

23 (4) the need for the sentence imposed to protect the public from further crimes of the defendant;

24 (5) the need for the sentence imposed to provide the defendant with needed educational or
 25 vocational training, medical care, or other correctional treatment in the most effective manner;
 26 and

27

28 ¹ The defendant has a total Offense Level of 23 and a CHC of III. Accordingly, as set forth in the PSR,
 her Guidelines Range is 57-71 months.

1 (6) the need to avoid unwarranted sentence disparities among defendants with similar records
 2 who have been found guilty of similar conduct.

3 **A. The Offense Conduct and Dangerousness of Narcotics**

4 With respect the nature and circumstances of the offense, the defendant was part of a large
 5 organization that distributed significant quantities of highly addictive and dangerous narcotics that have
 6 wreaked havoc on this community. On May 23, 2018, the defendant was seen by law enforcement
 7 meeting with and providing a bag to Jesus Salazar, a major narcotics trafficker with ties to Mexican
 8 cartels who was charged in a separate Indictment and sentenced to 210 months in custody for his crimes.

9 *See CR 18-cr-251-01 WHO.* On June 8, 2018, federal law enforcement agents executed a search
 10 warrant at the defendant's home. Inside the defendant's bedroom closet, agents found a bag containing
 11 approximately 33 pounds of methamphetamine. Hidden inside a tire in the defendant's garage, agents
 12 found approximately 14.6 kilograms of fentanyl. Agents also found a pay-owe sheet in the defendant's
 13 home documenting when drugs were due to arrive at her home and who would drop them off and pick
 14 them up. In total, the drugs found in the defendant's home have a street value of well over \$100,000.²
 15 It seems clear, then, that the defendant's home was being used, with her knowledge, to store and hide
 16 dangerous drugs; from there, they would be sold into the community. And while there are no
 17 identifiable victims of the defendant's drug dealing, drug distribution leads to drug abuse. There are
 18 countless victims—not only addicts themselves, but their families and loved ones—who suffer as a
 19 result. While the government believes the defendant had a relatively minor role in the operations of the
 20 drug trafficking operation and therefore is less culpable than some of her co-defendants, that does not
 21 change the fact that the defendant's crime no doubt facilitated drugs being put in the hands of addicts
 22 and lives being ruined.

23 As stated above, law enforcement found 14 kilograms of fentanyl in the defendant's home. By
 24 now, the Court well understands that fentanyl is the most dangerous drug to afflict our community in
 25 decades. Fentanyl typically is dosed in micrograms (millionths of a gram), see
 26 <https://www.drugs.com/illicit/fentanyl.html>, and can be lethal in quantities as small as 250 micrograms,

28 ² The DEA estimates this amount of narcotics has a street value of approximately \$185,000.

1 or 0.00025 grams, see <https://www.harmreductionohio.org/how-much-fentanyl-will-kill-you-2/>
 2 (“HRO”) (noting that, before an average surgery, anesthesiologists will administer a total of just 50 mcg
 3 [0.00005 g] of fentanyl) (last visited September 10, 2020). A dose of 2,000 micrograms – just 2
 4 milligrams (0.002 g) – is usually fatal to those without opioid tolerance. Id. To appreciate just how
 5 little fentanyl that is, DEA prepared a photo showing what 2 milligrams looks like:



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 13 The equivalent of just a few grains of salt is enough fentanyl to be deadly. It is easy to understand how
 14 a drug so lethal has become the “Third Wave” of the drug overdose crisis that has gripped this nation for
 15 the past two decades and now claims between 65,000 and 70,000 lives each year. See Hedegaard, H., et
 16 al, “Drug Overdose Deaths in the United States, 1999-2018,” at <https://www.cdc.gov/nchs/data/databriefs/db356-h.pdf> (67,367 deaths in 2018, the most recent year with complete data) (last visited
 17 June 17, 2020). Fentanyl alone accounted for almost half of those deaths. See “Drug and Opioid-
 18 Involved Overdose Deaths – United States, 2017-2018,” in Morbidity & Mortality Weekly Report (Mar.
 19 20, 2020) at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6911a4.htm> (“MMWR II”) (last visited
 21 June 17, 2020). Just a few years ago, fentanyl accounted for a fraction of the deaths it claims today: in
 22 2014, the overdose death rate from fentanyl was just 1.0 per 100,000 persons, see “Increases in Drug
 23 and Opioid Overdose Deaths – United States, 2000-2014,” in Morbidity & Mortality Weekly Report
 24 (Jan. 1, 2016) at <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6450a3.htm> (“MMWR I”) (last
 25 visited June 17, 2020); in 2018, the overdose death rate from fentanyl had climbed to 9.9 per 100,000,
 26 see MMWR II. Indeed, while the overdose death rates due to other opioids remained stable or decreased
 27 slightly between 2017 and 2018, the death rate from fentanyl increased 10%. MMWR II.

28 In the Bay Area, fentanyl overdose deaths are skyrocketing. In San Francisco alone, more than

1 half of the 441 overdose deaths in the city last year were due to fentanyl, and that number is expected to
 2 rise even more in 2020. See <https://www.sfchronicle.com/politics/article/More-than-one-person-a-day-died-in-SF-of-an-15529006.php> (last visited Sept. 11, 2020). And because fentanyl is a powder, and so
 3 potent, it is finding its way into other drugs – including methamphetamine and cocaine, counterfeit pills,
 4 and as a cut to increase the potency of weak heroin – and killing those who never suspected they were
 5 ingesting fentanyl.

6
 7 An opioid overdose death – including death from fentanyl – is tragic and awful. Opioids, like
 8 fentanyl, depress respiration, resulting in slower, shallower breathing. The body fights against the lack
 9 of oxygen and buildup of carbon dioxide, often resulting in rattling gasps as a frothy fluid begins to fill
 10 the lungs and airways. Eventually, the victim’s organs begin to fail from lack of oxygen, and then his
 11 heart stops. There is nothing about this process, which can occur in minutes or take up to half an hour,
 12 that can be called peaceful.

13
 14 There is an “antidote” to opioid overdoses – naloxone – which temporarily displaces the opioids
 15 from the opioid receptors in the brain and elsewhere and thereby reverses the opioids’ effects on the
 16 body. But fentanyl acts so quickly and is so strong, that first responders often cannot arrive soon enough
 17 to revive someone who has overdosed on fentanyl. Even if they arrive in time, reviving someone from a
 fentanyl overdose may take many doses of naloxone – more than they carry.

18
 19 The defendant stored this lethal poison so that it could be distributed in our community. By her
 20 actions, she increased the chances that one of the customers of Jesus Salazar’s narcotics trafficking
 21 organization, one of its customers’ customers, or an unsuspecting person who came into contact with
 22 those customers’ drugs, would die. Any dose she stored could have been sold and become the last for
 someone. Even if fentanyl doesn’t cause death, it feeds addictions and drug dealers profit from its use.

23
 24 And while the opiate crisis in general, and fentanyl in particular, has consumed front-page
 25 headlines with its devastating impact on the nation, methamphetamine abuse is also a significant
 26 problem in the Bay Area. On February 8, 2019, the San Francisco Chronicle published an article
 27 entitled, “Meth deaths and ER visits climb sharply in SF, as leaders look for solutions, written by Erin
 28 Allday. See <https://www.sfchronicle.com/health/article/Meth-deaths-and-ER-visits-climb-sharply-in-SF-as-13599681.php>. The article details that methamphetamine overdoses “doubled over the past decade”

1 and that there about “100 people died from methamphetamine overdoses in 2017, compared with about
 2 150 from all types of opioids[.]” *Id.* “Long-term [methamphetamine] use can cause brain damage.
 3 People who overdose can become combative and unpredictable, and they may feel urges to harm
 4 themselves or others. Overdose deaths happen when methamphetamine causes sudden heart failure or
 5 bleeding of the brain’s main blood vessels.” *Id.*; *see also* “Meth’s Comeback: A New Speed Epidemic
 6 Takes Its Toll on San Francisco,” *available at* <https://www.kqed.org/news/11724407/meths-comeback-a-new-speed-epidemic-takes-its-toll-on-san-francisco> (“Since 2011, emergency room visits related to
 7 meth have jumped 600 percent to 1,965 visits. Admissions to the hospital are up 400 percent to 193. At
 8 Zuckerberg San Francisco General Hospital, of 7,000 annual psychiatric emergency visits, 47 percent
 9 are people who are not necessarily mentally ill — they’re high on meth.”). By storing large quantities of
 10 methamphetamine, the defendant contributed to and exacerbated the destruction in our community
 11 caused by methamphetamine.

13 **B. The Defendant’s History and Characteristics**

14 With respect to the defendant’s history and characteristics, the goal of deterring future criminal
 15 conduct, and the need to promote respect for the law: This is defendant’s first conviction for a drug-
 16 related offense. She was, however, on probation when she committed this offense after being convicted
 17 of assaulting her former husband with both a closed fist and also hitting him with her vehicle while it
 18 was going 20-30 miles per hour.

19 The government acknowledges the defendant’s challenging family background and the trauma
 20 that she has endured, including years of domestic violence by multiple husbands. In addition, the
 21 government notes that the defendant has cared for her three children, including one with substance abuse
 22 and mental health challenges. The government also acknowledges that the defendant has suffered from
 23 significant mental health issues herself, as detailed in the PSR. The government believes the Court
 24 should take these factors into account when crafting the defendant’s sentence.

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III. CONCLUSION

The government respectfully requests that the Court impose a sentence that is sufficient, but not greater than necessary, to achieve the goals of sentencing.

DATED: September 11, 2020

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney